

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
or Suspension of the Educator)
Certificate of David R. Thiem,)
Certificate 215274)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on October 11, 2006. In accordance with S.C. Code Ann. § 1-23-370(c) (2004), the State Department of Education (Department) requested that the State Board summarily suspend the educator certificate of David R. Thiem, certificate 215274, as a result of his indictment on May 23, 2006, on the charges of lewd act on a minor and assault and battery of a high and aggravated nature. The Department has reason to believe that, due to the nature of the allegations of misconduct against Mr. Thiem, he may pose a threat to the health, safety, or welfare of students that may be under his instruction. After considering the evidence presented by the Department, the State Board voted to summarily suspend Mr. Thiem's certificate until a due process hearing is held and/or this matter is otherwise resolved. The Department is directed to serve notice on Mr. Thiem of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Ms. Thiem holds a valid professional certificate and has three years of teaching experience. Mr. Thiem's last employment as a teacher was during the 2005-06 school year at West Ashley High School in the Charleston County School District. He resigned from that position at the end of the school year following his indictment on May 23, 2006, on charges of

lewd act on a minor and assault and battery of a high and aggravated nature. The charges arose out of an incident that occurred in December 2005 involving a 14 year-old female who apparently had been a student at Eastside High School in the Greenville County School District, where Mr. Thiem was employed as a teacher during the 2004-05 school year.

CONCLUSIONS OF LAW

“The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (2004). Just cause includes unprofessional conduct, immorality, crime against the law of this State or the United States and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (1992). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), “If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action.” The State Board finds that there is reason to believe that Mr. Thiem may pose a threat to the welfare of students that may be under her instruction. Accordingly, the State Board summarily suspends Mr. Thiem’s educator certificate until a due process hearing is held and/or this matter is otherwise resolved.

South Carolina State Board of Education

By: _____
Joe Isaac
Chair